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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2010-158

11 **PATTI DAWN GALLACHER AKA**
12 **PATTI DAWN ROSS AKA**
13 **PATTI DAWN ROSS GALLACHER**
19163 Madrone St.
Hesperia, CA 92345
14 Registered Nurse License No. 429033

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about August 31, 1988, the Board issued Registered Nurse License Number
24 429033 to Patti Dawn Gallacher, also known as Patti Dawn Ross, also known as Patti Dawn Ross
25 Gallacher ("Respondent"). The registered nurse license was in full force and effect at all times
26 relevant to the charges brought herein and will expire on January 31, 2010, unless renewed.

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STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISIONS

5. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

6. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care, and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

7. California Code of Regulations, title 16, section 1443.5, states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

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1 (1) Formulates a nursing diagnosis through observation of the client's physical condition
2 and behavior, and through interpretation of information obtained from the client and others,
3 including the health team.

4 (2) Formulates a care plan, in collaboration with the client, which ensures that direct and
5 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
6 for disease prevention and restorative measures.

7 (3) Performs skills essential to the kind of nursing action to be taken, explains the health
8 treatment to the client and family and teaches the client and family how to care for the client's
9 health needs.

10 (4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates
11 and on the preparation and capability needed in the tasks to be delegated, and effectively
12 supervises nursing care being given by subordinates.

13 (5) Evaluates the effectiveness of the care plan through observation of the client's physical
14 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
15 communication with the client and health team members, and modifies the plan as needed.

16 (6) Acts as the client's advocate, as circumstances require, by initiating action to improve
17 health care or to change decisions or activities which are against the interests or wishes of the
18 client, and by giving the client the opportunity to make informed decisions about health care
19 before it is provided."

20 COST RECOVERY

21 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

25 BACKGROUND INFORMATION

26 9. R.I. was an eight year-old male admitted to Circlebrook Care Facility in Loma Linda,
27 California, on March 19, 1999. R.I. had a diagnosis that included profound mental retardation,
28 cerebral palsy with spastic quadriplegia, seizure disorder, shunted hydroencephalocele (distended

1 sac containing cerebrospinal fluid), blindness, and laryngomalacia (softening of the larynx), with
2 pooling of secretions, gastritis, and gastrostomy. R.I. was connected to an apnea monitor (a
3 machine used to indicate cessation of breathing where an alarm sounds if the patient does not take
4 a breath for 10 seconds). R.I. was also connected to a BIPAP (bilateral positive airway pressure
5 machine) that provides airway pressure to prevent periods of apnea.

6 10. On August 23, 2004, R.I. was found unresponsive in his bed at Circlebrook Care
7 Facility. He was transferred to Loma Linda University Children's Hospital, where he died.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Gross Negligence)**

10 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),
11 on the grounds of unprofessional conduct, in that on or about August 23, 2004, while licensed as
12 a registered nurse and employed as Director of Nursing at Circlebrook Care Facility, Loma Linda,
13 California, Respondent committed acts constituting gross negligence within the meaning of
14 California Code of Regulations, title 16, section 1442, as follows:

15 a. Respondent failed to ensure that all staff members were clear on how to activate the
16 emergency system to contact the emergency response STAT team.

17 b. Respondent failed to ensure that staff at each shift knew the code status of each
18 patient assigned to them.

19 c. Respondent failed to ensure that the crash cart with the ambu bag was easily
20 accessible.

21 d. Respondent failed to ensure safety in her unit with properly trained staff members.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Incompetence)**

24 12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1),
25 on the grounds of unprofessional conduct, in that on or about August 23, 2004, while licensed as
26 a registered nurse and employed as the Director of Nursing at Circlebrook Care Facility, Loma
27 Linda, California, Respondent committed acts constituting incompetence within the meaning of
28 California Code of Regulations, title 16, sections 1443 and 1443.5, as follows:

- 1 a. Respondent failed to ensure safety in her unit with properly trained staff members.
- 2 b. Respondent failed to provide a care plan for R.I. that included the need for staff to
- 3 regularly check alarms and know the code status of the patient.
- 4 c. Respondent failed to effectively supervise her staff to ensure that emergency
- 5 equipment was easily accessible to staff and that her staff knew how to activate the emergency
- 6 response STAT team.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 13. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on

10 the grounds of unprofessional conduct, as more particularly set forth in paragraphs 9 through 12,

11 above, which are herein incorporated by reference as set forth in whole.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,

14 and that following the hearing, the Board of Registered Nursing issue a decision:

- 15 1. Revoking or suspending Registered Nurse License Number 429033, issued to Patti
- 16 Dawn Gallacher, also known as Patti Dawn Ross, also known as Patti Dawn Ross Gallacher;
- 17 2. Ordering Patti Dawn Gallacher, also known as Patti Dawn Ross, also known as Patti
- 18 Dawn Ross Gallacher, to pay the Board of Registered Nursing the reasonable costs of the
- 19 investigation and enforcement of this case, pursuant to Business and Professions Code section
- 20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

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23 DATED: 9/15/09

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant